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FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

# IN THE SUPREME COURT OF THE UNITED STATES

**06-943**

Robert E Brown and Shirley H. Brown h/w
Petitioners

v.

Interbay Funding LLC, and Legreca and Quinn Real Estate Services Inc.
Respondents

**ON PETITION OF WRIT OF CERTIORARI FROM THE UNITED STATES COUR OF APPEALS FOR THE THIRD CIRCUIT**

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## REHEARING OF PETITION FOR WRIT OF CERTIORARI

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Browser International
Printing

## QUESTIONS PRESENTED

1. Did the Clerk of the Court of the United States Supreme Court err when they failed to file and place on the U. S. Supreme Court docket, Robert E. and Shirley H. Brown's response brief that was received in the United States Supreme Court Clerks office on February 18, 2007? The Supreme Court Docket is regulated by Supreme Court Rule 1, 15, and 16. Robert E. and Shirley H. Brown contend that the omission of the docket entries by the Clerks office of their brief and failure to distribute their brief to Supreme Court Justices of U.S. Supreme Court on March 16 – 19, 2007 (dated February 18, 2007), violated their 5th and 14 Amendments Rights of "Due Process and Equal Protection" of the United States Constitution.

2. Did the Clerk of the United States Supreme Court violate Supreme Court Rules 1, 15, and 16?

3. Did the United States Supreme Court Clerks Office suppress the evidence submitted by Petitioners pursuant to United States Supreme Court Rule 32, by failing to file, docket, and distributed Petitioners brief, and failing to allow Petitioners exhibits to be placed on the United States Supreme Court docketed to be reviewed by the Justices of the United States Supreme Court the hearing

of Petitioners Writ of Certiorari on March 16 – 19, 2007?

4. Did the U.S Supreme Court Clerk violate Supreme Court Rules and Procedures by requesting by telephone ten (10) additional copies of the Petitioners Response brief of February 18, 2007 brief, because the 11 point font was to small for the Justices of the United States Supreme Court to see, and that they would need to be made to the size of a twelve (12) point font because?

## II. INTERVENING AND CONTROLING CAUSE PURSUANT TO U.S. SUPREM COURT RULES 44, 1, 2

Robert E. and Shirley H. Brown (hereinafter the Petitioners) filed a response brief to the Respondents Lagreca and Quinn (hereinafter Respondents) response to the Petitioners Petition of Writ of Certiorari in February 2007. The Petitioners brief was received in the United States Supreme Court Clerks Office in accordance with United States Supreme Court Rule 1. The Clerk of the Supreme Court Stamp date of the Petitioners response brief to Respondents response brief, was not placed on the Supreme Court Docket, nor was it distributed to the United States Supreme Court Judges as required by United States Supreme Court Rules 1, 15, and 16. See Exhibit A, B, and C.

The Petitioners were denied the right to have their response brief which was filed on February 28, 2007 reviewed by the United States Supreme Court Justices

review of their Petition of March 16 – 19, 2007. See Exhibit A, B, and C.

## II. INTERVENING AND CONTROLING CAUSE PURSUANT U.S. SUPREM COURT RULES TO 1, 15, AND 32

Petitioners further contend that the Supreme Court Office of the Clerk showed prejudice and bias against the Petitioners, when the U.S Supreme Court Clerk failed to file and docket their response in violation of Supreme Court Rules 1, 15, and 32.

The U. S. Supreme Court Clerks Office showed favor towards the Respondents (Legreca and Quinn) by only submitting Respondents response brief, and denied Petitioners brief which was filed on February 18, 2007 to be distributed to the Justices of the U.S. Supreme Court review of the Petitioners Writ of Certiorari on March 16 – 19, 2007.

The Petitioners were denied their 5th and 14th Amendment rights of "Due Process and Equal Protection of

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the laws" as a result of the U.S. Supreme Court Clerks actions.

**CONCLUSION**

It is for these reasons stated in the above paragraphs of the violations of the United States Supreme Court Rules 1, 15, and 16, Petitioners aver that they were denied "Due Process and Equal Protection," by the actions taken by the United States Supreme Court Clerks Office by the United State Supreme Court Rules 1, 15, and 16, which denied Petitioners to have their response brief filed in the United States Supreme Court Clerks Office on February 18, 2007, that was not given review by the United States Supreme Court Justices on March 16 – 19, 2007 of the Petitioners Writ of Certiorari. See Exhibits A, B, and C.

TYREKA S. GIBBS
Notary Public
State of Delaware
My Commission Expires on Nov 17, 2008

Tyreka S. Gibbs
Notary Public
Date: 4/17/2007

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## AFFIDAVIT

This is to certify that Robert E. and Shirley H. Brown, filing of Petition for rehearing of Petition of Writ of Certiorari in the United States Supreme Court pursuant to Supreme Court Rules 44, 1, 2, and Supreme Court Rules 1, 15, and 16, are hereby presented in good faith, and are not filed for the purpose to hinder/delay, and are presented to the United States Supreme Court for good cause.

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Tyreka Gibbs
Notary Public
Date: 4/1/07

TYREKA S. GIBBS
Notary Public
State of Delaware
My Commission Expires on Nov 17, 2008

**THE**
**SUPREME COURT OF THE UNITED STATES**

Robert E. Brown and Shirley H. Brown h/w
Petitioners

v.

Interbay Funding LLC, and Legreca and
Quinn Real Estate Services Inc.
Respondents

CERTIFICATE OF SERVICE FOR REHEARING

This is to certify that on this 30th day of March 2007
Theses copies of a Motion for Rehearing were served on the following attorneys.

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# APPENDICES

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EXHIBIT A

Supreme Court, U.S.
FILED
FEB 18 2007
OFFICE OF THE CLERK

No.2

# IN THE SUPREME COURT OF THE UNITED STATES

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Robert E. Brown and
Shirley H. Brown h/w
Petitioners

v.

Interbay Funding LLC, and Legreca
and Quinn Real Estate Services Inc.
Respondents

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ON PETITION FOR WRIT OF CERTIORARI FROM THE UNITED STATES COUR OF APPEALS FOR THE THIRD CIRCUIT

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## PETITION FOR WRIT OF CERTIORARI

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No. 06-943
Title: Robert E. Brown, et ux., Petitioners
v.
Interbay Funding, LLC, et al.
Docketed: January 9, 2007
Lower Ct: United States Court of Appeals for the Third Circuit
Case Nos.: (06-1177)
Decision Date: August 17, 2006
Rehearing Denied: September 18, 2006

| Date | Proceedings and Orders |
|---|---|
| Nov 3 2006 | Petition for a writ of certiorari filed. (Response due February 8, 2007) |
| Jan 23 2007 | Waiver of right of respondent Interbay Funding, LLC to respond filed. |
| Feb 5 2007 | Brief of respondent Lagreca and Quinn Real Estate Services Inc. in oppositi |
| Feb 21 2007 | DISTRIBUTED for Conference of March 16, 2007. |
| Mar 19 2007 | Petition DENIED. |

| Name | Address | |
|---|---|---|
| **Attorneys for Petitioners:** | | |
| Robert E. Brown | 1024 Walnut St<br>Wilmington, DE 19801 | (3 |
| Party name: Robert E. Brown, et ux. | | |
| **Attorneys for Respondents:** | | |
| Bruce E. Alexander<br>Counsel of Record | Weiner Brodsky Sidman Kider PC<br>1300 19th Street, NW, Fifth Floor<br>Washington, DC 20036 | (2 |
| Party name: Interbay Funding, LLC | | |
| Arthur D. Kuhl | 1001 Jefferson Place, Suite 202<br>Wilmington, DE 19801 | (3 |
| Party name: Lagreca and Quinn Real Estate Services Inc. | | |

EXHIBIT C

# Man awarded jury trial in suit vs. no-show priest

By BETH MILLER
The News Journal

WILMINGTON — The defense table remained empty in Courtroom 6B at U.S. District Court early Tuesday morning, the court's deadline for the Rev. Edward Smith to respond to allegations that he had molested an Archmere Academy student in the 1980s.

Smith never showed up.

That meant Navy Cmdr. Kenneth J. Whitwell, 38, won his lawsuit against the Norbertine priest he says sexually abused him during skiing trips to Vermont in 1984 and 1985.

And he won something else, too.

Chief District Judge Sue L. Robinson granted his request for a jury trial to determine what, if any, damages are due him.

"The most important thing is that finally a victim in Delaware gets to have a day in court and tell his story publicly before a jury of his peers," Whitwell said.

That trial is scheduled to begin March 29.

In a Nov. 30 hearing, Robinson dismissed Archmere, the Catholic Diocese of Wilmington and Bishop Michael A. Saltarelli as defendants in the case, saying the statute of limitations had expired. Whitwell plans to appeal that decision.

Smith remained a defendant because he had never

See WHITWELL — A8

Kenneth J. Whitwell said he was molested in the 1980s.

The Rev. Edward Smith taught at Archmere Academy.